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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,821	09/20/2000	Kenneth J. Kirchhoff	55824USA3A.002	8078

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,821

Applicant(s)

KIRCHHOFF, KENNETH J.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-27 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 6-10, 12-14 and 17 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 15, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This is the fourth office action for serial number 09/665,821, Adjustable Keyboard Tray, filed on September 20, 2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smeenge in view of U.S. Patent No. 5,655,743 to Martin and in further view of U.S. Patent No. 5,830,552 to Meier. Smeenge discloses an adjustable keyboard tray comprising a tray (11) having a top plate (not numbered) and a bottom plate (not numbered), and mounting plate (50). The mounting plate is secured to the adjustable keyboard tray by a retaining bracket (the lower flange beneath the plate 50). The top and bottom plate form a cavity (not numbered) and are made from plastic or synthetic resin. However, Smeenge fails to disclose the tray being formed from two separate elements, namely a top and bottom plate, that is ultrasonically welded together.

Martin teaches a keyboard tray comprising two parts, namely a top plate (21) and medial plate (22) of the tray forming a cavity therebetween. For purpose of this Office action, the medial plate will be referred to as the bottom plate of the keyboard tray. The top and bottom

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plates are formed of a polymeric material (col. 4, line 4+). A pocket is created along a side of the keyboard tray that is aligned with an opening (33) through the side of the tray to receive and secure a mouse bracket (39) which supports a mouse platform. The mouse bracket is releasably secured in the pocket by a tab (53) and is received in a slot (52) on the mouse bracket. Firstly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the keyboard tray as taught by Martin for the keyboard tray as taught by Smeenge as mere functional equivalent parts for the purpose of supporting a keyboard thereupon while simultaneously supporting a mouse thereupon.

Meier teaches a planar structure having polymeric components that are welded together by ultrasonic or high frequency, etc. (Col. 6, lines 14-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the means for attaching the top and bottom plate as taught by Smeenge in view of Martin to have incorporated the ultrasonic welding teaching as taught by Meier an alternate means of attaching the top and bottom plates.

Claims 3, 6 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateson in view of Martin and in further view of Meier. Bateson discloses an adjustable keyboard tray comprising a tray (18) and a mounting plate (12). The mounting plate secures the adjustable keyboard tray to the bracketing mechanism (14). The mounting plate is secured to the adjustable keyboard tray by a retaining bracket (26) such that the adjustable keyboard tray can slide in a lateral direction substantially perpendicular to the direction of translation by the bracketing

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mechanism. However, Bateson fails to disclose the tray being formed from two separate elements, namely a top and bottom plate that is integrally formed by ultrasonic welding.

Martin teaches a keyboard tray comprising two parts, namely a top plate (21) and medial plate (22) of the tray forming a cavity therebetween. For purpose of this Office action, the medial plate will be referred to as the bottom plate of the keyboard tray. The top and bottom plates are formed of a polymeric material (col. 4, line 4+). A pocket is created along a side of the keyboard tray that is aligned with an opening (33) through the side of the tray to receive and secure a mouse bracket (39) which supports a mouse platform. The mouse bracket is releasably secured in the pocket by a tab (53) and is received in a slot (52) on the mouse bracket. Firstly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the keyboard tray as taught by Martin for the keyboard tray as taught by Smeenge as mere functional equivalent parts for the purpose of supporting a keyboard thereupon while simultaneously supporting a mouse thereupon.

Meier teaches a planar structure having polymeric components that are welded together by ultrasonic or high frequency, etc. (Col. 6, lines 14-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the means for attaching the top and bottom plates as taught by Bateson in view of Martin to have incorporated the ultrasonic welding teaching as taught by Meier an alternate means of attaching the top and bottom plates.

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Response to Arguments

Applicant's arguments filed February 4, 2003 have been fully considered but they are not persuasive in view of the modification made to the rejection set forth herein.

Applicant states the prior art of record fails to teach all the limitations of claim 2. For instance, Martin does not disclose any connection of a top plate and a bottom plate. Nor does the prior art teach a recessed mounting area in the Martin apparatus to secure a mounting plate, since the bottom surface of the foam lower member is flat. The top and bottom members were labeled incorrectly in the previous Office action and have been corrected in this Office action. See the rejections set forth above.

Applicant argues whether motivation exist for combining Smeenge in view of Martin. Both references teaches keyboard trays for mounting a keyboard thereupon for use by the user. Smeenge teaches the keyboard tray attached to a workstation while Martin's keyboard tray is intended to be used on the lap of the user as indicated by applicant. The motivation lies in the keyboard tray itself since both are clearly used to support a keyboard and not upon the intended use of the keyboard tray.

Allowable Subject Matter

Claims 4, 5, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claims 19-27 are allowed.

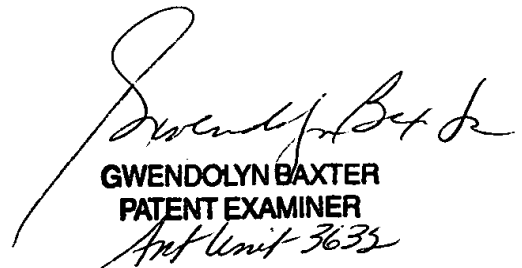
The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the retaining bracket is mounted in a recessed mounting area formed along a bottom surface of the bottom plate creating a channel therebetween that secures the mounting plate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The examiner can normally be reached Monday-Friday from 8:30 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.

Gwendolyn Baxter
April 18, 2003


GWENDOLYN BAXTER
PATENT EXAMINER
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